ostscript to the South-Carolina GAZETTE.

amb. 1969.] WEDNESDAY, SEPTEMBER 15, 1773.

IARLES-TOWN: Printed by *T. POWELL* & Co. Printers to the Honourable the COMMONS HOUSE of ASSEMBLY, at the Printing-Office on the BAY, near the EXCHANGE.

New Advertiſements.

SOUTH-CAROLINA.

WHEREAS His Honour the Lieutenant-Governor and Commander in Chief, hath ſignified to me his Will and Pleaſure, the the Hours of the Secretary's Office ſhould, from and after the 13th Inſtant, be altered, for the more convenient Diſpatch of Public Buſineſs, from the uſual Hours of Nine o'Clock to Twelve o'Clock in the Forenoon, and from Three o'Clock to Five o'clock in the Afternoon, to the Hours of Nine o'Clock in the Forenoon till Two in the Afternoon, Saturdays excepted, and then only till One o'Clock: I GIVE THIS PUBLIC NOTICE to all Merchants and others whom it may concern, that they may govern themſelves accordingly.

Given under my Hand this 10th Day of Sept. 1773. } THOMAS SKOTTOWE.

Anſonborough Starch Manufactory.

ROBERT STRINGER,

Begs Leave, through this Channel, to inform the PUBLIC, That he now has to DISPOSE of,

And will continue to make for SALE,

POLAND and Common Starch; fine Hair-Powder, plain and ſcented, of the firſt Qualities, equal (if not ſuperior) to any imported.—The Proof of which, he with the greateſt Deference, ſubmits to his Cuſtomers, and particularly hopes for the Encouragement of ſuch who would wiſh to promote the Manufactures of this Province—if not the firſt Attempt of the Sort, the only one which has been brought to Perfection, more eſpecially, as the principal Ingredient uſed is RICE, one of our Staple Commodities. The Advantages which will accrue to the Merchant, who may be pleaſed to grant him his Favours, are too obvious to need inſerting in a News-Paper.

He begs Leave to make his moſt grateful Acknowledgment to thoſe who employed him laſt Seaſon, in the PURCHASING and GARBLING of INDICO, and flatters himſelf, that his Conduct therein, will recommend him to their future Favours.—Such as pleaſe to honour him with their Commands, in the above Buſineſs, the enſuing Seaſon, may depend on a diligent and faithful Diſcharge of the Truſt repoſed in him.

He likewiſe offers his Service to ſuch Planters who are not provided with Factors, by aſſiſting them in the Sale of their INDICO; and (as is too often the Caſe) if it contains any improper Mixture, he will ſort it to the beſt Advantage, and chearfully render every other Aſſiſtance in his Power, for the Benefit of his Employers.

To be SOLD by Auction,

In a STORE of Mr. GIBBES's, behind his Houſe on the BAY,

On TUESDAY *the 21ſt of* September, *Inſt.*

At Four o'Clock in the Afternoon,

Twenty-four Pipes of New-York,

AND

Nine Pipes of London Madera Wine.

SAMUEL PRIOLEAU, jun. & Co.

N. B. The Wine may be taſted any Time before the Day of Sale, by applying to Mr. *Langriſh*, Cooper, oppoſite the Coffee-Houſe.

To be SOLD,

Six SLAVES:

Three of which have been uſed to Plantation-Work; one to tend Horſes; one a good Boatman; and the other a complete and cleanly Cook, a Woman.—Enquire at the Printing-Office on the Bay, near the Exchange.

To be SOLD, by Auction,

At the uſual Place in CHARLES-TOWN,

On *Tueſday* the 5th Day of *October* next,

Preciſely at TWELVE *o'Clock at Noon,*

THE Remainder of the NEGROES belonging to the Eſtate of the late JAMES PHILLIPS, Eſq; deceaſed;—among whom is a Negro Fellow, named DICK, remarkable for being of a good Diſpoſition, ſtrictly honeſt, ſober, and diligent, and eſteemed one of the compleateſt Waiting-Men in the Province.

The Conditions will be made known at the Place of Sale.

JAMES BENTHAM, *Adminiſtrator.*

N. B. It has been induſtriouſly reported, that the Negroes belonging to this Eſtate, are under Mortgage;—the Public may be aſſured there is not the leaſt Foundation in Truth for this Report,—and that every Negro that is, or may be ſold, belonging to it, is entirely free from every Incumbrance whatſoever.

To be SOLD,

At the Parſonage-Houſe in St. Andrew's *Pariſh,*

On *Monday* the 27th of *September* Inſtant,

ALL the Houſhold and Kitchen-Furniture, Wearing Apparel, a few Head of Cattle and Sheep, a Horſe and Chair, &c. belonging to the Eſtate of the Reverend Mr. SCHWAB, deceaſed.——The Conditions will be declared on the Day of Sale.

All Perſons to whom the ſaid Eſtate is indebted, are deſired to deliver in atteſted Accompts of their ſeveral Demands; and all thoſe indebted thereto, are deſired to ſettle immediately, with

WILLIAM CATTELL, *Adminiſtrator.*

LISBON and PORT Wine,

Warranted GENUINE,

The former in QUARTER-CASKS, and the latter in PIPES.

FINE old *Vidonia* and *Madera*,—*Jamaica* and Windward Iſland Rum,—Coffee in ſmall Caſks,—*Muſcovado* Sugar in Tierces,—Sail Cloth from No. 1, to 6,—Caſks of Nails of different Sorts,—an Aſſorment of elegant Pier Glaſſes,—a few Dozens of handſome Mahogany Chairs,—Cyder, *Briſtol* Beer, and Hot-Well Water in four Dozen Hampers,—Boxes of ſhort Pipes,—ſome very good *Malmſey* Wine, and a Parcel of *Jamaica* Mahogany Planks, to be ſold on very reaſonable Terms, by

ROBERT, JOHN & J. SMYTH.

To be SOLD by public Outcry,

At the Store in Broad-Street, *lately poſſeſſed by Meſſrs.* MARTIN CAMPBELL & SON,

On *Friday*, the 8th Day of *October* next,

At TEN *o'Clock in the Forenoon,*

A Large CONSIGNMENT of Broad and narrow *Yorkſhire* CLOTHS and DUFFILS, Shalloons and Trimmings; Bed Blankets, ſome of the largeſt and beſt Kind; ſtriped Linſeys; a few Pieces of blue and green Plains; Mens Worſted and Yarn Hoſe; Mens milled Mitts and Caps, and ſeveral other Articles.

N. B. THREE Months Credit will be given for all Sums under *Two Hundred Pounds*, on giving approved Security;—CASH is expected for all Sums under.——Good Bills of Exchange will be taken in Payment, at the End of Three Months, if more agreeable to the Purchaſers.

EDWARD OATS, & Co.

On Monday *the 14th of* OCTOBER *next,*

Will be SOLD by public Auction,

At the Houſe of the late CATHARINE JOOR, deceaſed, in *Bedon's Alley.*

The SALE to begin at TEN *o'Clock in the Forenoon,*

THE Lot of Land whereon the deceaſed lived, containing 25 Feet Front, and 112 Feet in Depth, more or leſs, on which is a convenient and well finiſhed Brick Dwelling Houſe and Kitchen, with neceſſary Out Buildings.

At the ſame Time will be SOLD,

A Very ſenſible and valuable WENCH, a complete Waſher, Ironer, and Cook.——*Alſo*, A ſtrong, handy HOUSE WENCH with her Three Children; one a ſmart, Mulatto Boy, Thirteen Years of Age, that would make a good Waiting Boy for a Gentleman either in Town or Country—the other a Boy of about Six Years old, and a likely Girl of Seven Years, very handy in a Houſe.——A Quantity of Houſhold Furniture; about 400 Weight of Cocoa Nuts, a few Remnants of Checks, Stripes, &c. and near 10 Cords of exceeding good Hickory Firewood.

Credit will be given for the Houſe, Land, and Negroes, to 1ſt of January next, with Intereſt from the Day of Sale, giving approved Security. The Property not to be altered until the Conditions are complied with. Good and ſufficient Titles will be given.

As there is a Neceſſity to make a ſpeedy Settlement of the Affairs of ſaid Eſtate, every Perſon indebted by Bond, Note, or otherwiſe, is deſired to diſcharge the ſame; and thoſe who may have any Accounts againſt the ſaid Eſtate, to ſend them in properly atteſted, and receive Payment.

THOMAS LEGARE,
JOHN BAKER,
SAMUEL LEGARE, } *Executors.*

To be SOLD at Prime Coſt,

In Mr. SIMON TUFTS's *Store in* BROAD STREET,

A well-aſſorted Library of Books,

Conſiſting of between Four and Five Hundred Volumes, of both antient and modern.——If they are not all diſpoſed of by the Fourth Day of *October* next, the Remainder will on that Night begin to be *Sold by Auction*, and the Sale will then continue every dry Evening, from *Six* to *Eight*, till all are ſold.

The Books may be ſeen, and Catalogues had, by applying to

JOSHUA LOCKWOOD.

To be SOLD,

A handy SCOONER,

That will carry about Seventy Barrels of Rice, or Ten Cords of Wood, with Sails, Rigging, &c.

Alſo, A FLATT,

About Twenty-four Feet long, and ſeven Feet wide.

SAMUEL PRIOLEAU.

To be LET,

And may be entered on the Firſt *Day of* October *next,*

A convenient Houſe in *King-Street*,

The Corner of *Berefford-ſtreet*, where SAMUEL CROSS at preſent lives.——Enquire of the ſaid CROSS, or

JOHN CALVERT.

ALL Perſons who have any juſt Demands againſt the Eſtate of WILLIAM BELL, late of *St. James, Santee*, deceaſed, are deſired to bring them in, properly atteſted;—And all thoſe indebted to the ſaid Eſtate, are deſired to make immediate Payment unto JOHN WOODBERY in *Charles-Town*.——All thoſe Accompts unſettled the *Firſt* Day of *January* next, will be put into the Hands of an Attorney, to be ſued for without further Notice.

JOHN COLLINS,
JOHN WOODBERY, } *Executors.*

In the COMMONS HOUSE *of* ASSEMBLY,

MONDAY, the 13th Day of SEPTEMBER, 1773.

ORDERED,

THAT the MESSAGE from His Majeſty's Council to this Houſe, of the 7th Inſtant, on the Subject Matter of their Commitment of THOMAS POWELL, Printer, to the Common Goal in *Charles-Town*; the RESOLUTIONS of this Houſe thereupon; and all MATTERS relative thereto, be printed and made public. THOMAS FARR, jun. *Clerk.*

WEDNESDAY, the 8th of SEPTEMBER, 1773.

A Meſſage from his Majeſty's Council, by the Maſter in Chancery.

In the Upper Houſe *of Aſſembly, the 7th of September*, 1773.

Mr. Speaker and Gentlemen,

IT is with real Concern that this Houſe ſends to complain to you of the Conduct of the Hon. RAWLINS LOWNDES, Eſq; Speaker of the Commons Houſe of Aſſembly, and GEORGE-GABRIEL POWELL, Eſq; a Member of the ſaid Houſe; they being guilty of a Breach of Privilege and Contempt againſt the *Upper Houſe* of the Legiſlature of this Province, inaſmuch, as your ſaid Members did, on Friday the 3d Day of this Inſtant, September, as Juſtices of the Peace, diſcharge from Confinement T. Powell, committed by us to Goal, on the 31ſt Day of Auguſt, for a Breach of Privilege and Contempt againſt this Houſe. We herewith ſend you a Copy of the Reſolutions which we entered into on the Subject of this Complaint, and relying on the Juſtice of the Commons Houſe of Aſſembly, we truſt, that you will direct your ſaid Members to wave their Privilege, in order that we may proceed to take Cognizance of their Breach of Privilege and Contempt againſt us.

By Order of the Houſe,

EGERTON LEIGH, *Preſident.*

In the Upper Houſe *of Aſſembly, the 6th of September*, 1773.

Reſolved, That the Power of Commitment is ſo neceſſarily incident to each Houſe of Aſſembly, that, without it, neither their Authority or Dignity can in any Degree whatſoever be maintained or ſupported.

Reſolved, That RAWLINS LOWNDES, Eſq; Speaker of the Commons Houſe of Aſſembly, and GEORGE-GABRIEL POWELL, Eſq; a Member of the ſaid Houſe, being Two Juſtices of the Peace (Unus Quorum) lately Aſſiſtant-Judges, and Juſtices of His Majeſty's Court of Common Pleas, have, by Virtue of an Habeas Corpus by them iſſued, cauſed the Body of Thomas Powell to be brought before them, on Friday the 3d Day of this Inſtant, September; the ſaid Juſtices diſregarding the Commitment of this Houſe, did preſumptuouſly diſcharge the ſaid Thomas Powell out of the Cuſtody of the Sheriff, under the Commitment of this Houſe.

Reſolved, That the ſaid Juſtices have been guilty of the moſt atrocious Contempt of this Houſe, and by their public Avowal and Declaration made by them, in pronouncing Judgment, that this Houſe is no *Upper Houſe* of Aſſembly, on which Principle ALONE they did diſcharge the ſaid T. Powell, they have, as far as in them lay, abſolutely and actually aboliſhed one of the Branches of the Legiſlature, and in ſo doing, have ſubverted the Conſtitution of this Government, and have expreſſly founded the moſt dangerous Alarm to the good Subjects of this Province.

Reſolved, That a Copy of theſe Reſolutions be ſent to the Commons Houſe of Aſſembly, together with a Meſſage, complaining of ſuch Conduct, and Breach of our Privileges, by their Members; and ſetting forth, that as this Houſe has always been careful to ſupport its own juſt Rights and Privileges, ſo it has always been cautious not to infringe the Rights and Privileges of the Commons Houſe; and that this Houſe, relying on the Juſtice of the Commons Houſe, does expect they will direct RAWLINS LOWNDES, and GEORGE-GABRIEL POWELL, Eſquires, two of their Members, to wave their Privilege, in order that this Houſe may proceed to take Cognizance of their ſaid Breach of Privilege and Contempt.

RESOLVED,

THAT the ſaid Meſſage from His Majeſty's Council, and their Reſolutions accompanying the ſame, be taken in Conſideration immediately.

And the ſaid Meſſage and Reſolutions being again read to the Houſe,

Mr. SPEAKER made it his Requeſt to the Houſe, that he might be permitted to wave his Privilege in this Caſe, agreeable to the Deſire of His Majeſty's Council; as he deſires no other Protection but what the Laws of the Land allowed to every Subject.—Col. POWELL alſo made the ſame Requeſt: Which were not allowed by the Houſe.

Ordered, That Roger Pinckney, Eſq; Sheriff for Charles-Town Diſtrict, do immediately attend, and lay before this Houſe, the Warrant by which T. Powell was committed to the Common Goal; and alſo the Habeas Corpus by which he was diſcharged.

And accordingly the Sheriff attended at the Door; and being called in, he laid before the Houſe, the Warrant by which T. Powell was committed, and alſo the Habeas Corpus, by which he was diſcharged: And the ſame were read to the Houſe in the Words following, *viz.*

SOUTH-CAROLINA.

In the UPPER HOUSE of ASSEMBLY,

TUESDAY, the 31ſt Day of AUGUST, 1773.

WHEREAS Thomas Powell hath this Day, at the Bar of this Houſe, acknowledged himſelf to be the Printer and Publiſher of a News-Paper, called, *The South-Carolina Gazette*, Numb. 1966, dated Charles-Town, Monday the 30th Day of Auguſt, 1773; in which Paper is printed Part of the Proceedings of this Houſe, on Thurſday the 26th Day of Auguſt, Inſtant, which this Houſe hath this Day reſolved to be a high Breach of Privilege, and a Contempt of this Houſe, who hath thereupon *ordered*, That the ſaid Thomas Powell ſhould be THEREFORE committed to the Common Goal in Charles-Town, during the Pleaſure of this Houſe.

It is therefore hereby ordered by the Houſe, That you do receive the Body of the ſaid Thomas Powell, herewith ſent to you, into your Cuſtody, and him ſafely in the Common-Goal to keep and detain, during the Pleaſure of this Houſe. And for ſo doing this ſhall be your Warrant.

By Order of the Houſe,

EGERTON LEIGH, *Preſident.*

To ROGER PINCKNEY, *Eſq; Sheriff of* Charles-Town *Diſtrict, his Deputy and Deputies, and to the Keeper of the Common Goal in* Charles-Town.

SOUTH-CAROLINA.

GEORGE the THIRD, by the Grace of GOD, of *Great-Britain, France*, and *Ireland*, KING, Defender of the Faith, and so forth.

To the Sheriff of Charles-Town District, and to the Keeper of the Common Goal in Charles-Town, GREETING:

WE command you, and each of you, without Delay, that you have the Body of Tho. Powell, by whatsoever Name he may be called, into and under your Custody committed and detained, as it is said, before the Hon. RAWLINS LOWNDES, and GEORGE-GABRIEL POWELL, Esquires, Two of the Justices of the Peace for Charles-Town District (Quorum Unus) and also the Day and Cause of the Caption and Detention of the said Thomas Powell, in the State-House in Broad-Street, in Charles-Town, at Eight of the Clock in the Forenoon of To-Morrow, to do and receive what our said Justices shall then and there consider in that Behalf. And have you then and there this Writ.

Witness the Hon. RAWLINS LOWNDES, *and* GEORGE-GABRIEL POWELL, *Esquires, Two of our Justices of the Peace for the District and Province aforesaid (Quorum Unus) at* Charles-Town, *this first Day of* September, *in the Year of Our Lord One Thousand Seven Hundred and Seventy-Three, and in the Thirteenth Year of our Reign.*

RAWLINS LOWNDES, (L. S.)
GEORGE-GABRIEL POWELL, (L. S.)

Return indorsed on the Writ.

SOUTH-CAROLINA.

I ROGER PINCKNEY, Sheriff of Charles-Town District, in the Province aforesaid, do hereby certify to the Hon. RAWLINS LOWNDES, and GEORGE-GABRIEL POWELL, Esquires, the Justices within named, That I do detain the Body of the within named Thomas Powell, by Virtue of a Commitment under the Hand and Seal of Sir EGERTON LEIGH, as President in the *Upper House* of Assembly (a true Copy whereof is hereunto annexed) and for no other Cause or Thing whatsoever. ROGER PINCKNEY, Sheriff.

Charles-Town, Sept. 2d, 1773.

Indorsed on the Writ, under the Return.

WE the Justices within-named, before whom the within Writ was returnable, having considered the Causes set forth in the Warrant of Commitment hereunto annexed, are of Opinion, that the same is not warranted by Law, but is contrary thereto: And therefore do order and direct, that the Sheriff do forthwith discharge the Prisoner Thomas Powell, if detained in his Custody only for the Causes therein set forth.

Given under our Hands and Seals, the 3d of Sept. 1773.

RAWLINS LOWNDES, (L. S.)
GEORGE-GABRIEL POWELL, (L. S.)

A Motion was made, That Mr. SPEAKER be desired to lay before this House, a Copy of the Judgment which was given by him, when he and Colonel POWELL sat as Justices of the Peace, and Thomas Powell was brought before them, and by them discharged from the Custody of the Sheriff of Charles-Town District.

And accordingly Mr. SPEAKER read to the House, a Copy of the Judgment which was given by him on discharging Thomas Powell from the Custody of the Sheriff of Charles-Town District, in the Words following, *viz.*

IT appears by the Sheriff's Return of the Habeas Corpus, that the Prisoner, Thomas Powell, stands committed by Virtue of a Warrant, dated Aug. 31, 1773, from Sir Egerton Leigh, President of the Council, said to be by Order of the Upper-House of Assembly, for that he had acknowledged himself to be the Printer and Publisher of a News-Paper, called the South-Carolina Gazette, Numb. 1966, dated Charles-Town, Monday the 30th Day of August, 1773, in which Paper is printed, Part of the Proceedings of that House on Thursday the 26th Day of August last: Which the House hath resolved to be a high Breach of Privilege, and a Contempt of the House, and ordering that the said Thomas Powell should be therefore committed to the Common-Goal of Charles-Town, during the Pleasure of the House.

I am sorry that this Matter hath come before me, and that I am obliged to decide upon the Legality of the Commitment. It involves in it a Question of Consequence. If, on the one Hand, the Commitment should be deemed illegal, the Council will so far be deprived of a Power of Commitment for Breach of Privilege. If, on the other Hand, the Commitment should be deemed legal, the Prisoner will be restrained of his Liberty, which is one of the greatest Punishments, next to corporal, that can be inflicted on the Subject. I should be extremely sorry to err either Way. I would gladly have declined the Task, and wish from my Heart, some abler Magistrate had been applied to.

From the Rank and Station I am in, and from my Connection with the Commons House of Assembly, I may be presumed to be under some Bias and Prepossession in Favour of that House and its Privileges. I confess I am so; but I trust it is no undue Bias or Prepossession; no Propensity to exclude from any other Body of Men, or any other Part of the Community, any Right, Privilege, or Immunity whatever, which they may, on a fair Enquiry, be found to be entitled to. It was *insisted* however, that I should grant the Habeas Corpus, that it was a Writ of Right; and it would very ill have become me, to have been disobedient to so good and salutary a Law, altho' it had not been enforced with such penal Sanctions as it has to secure its Execution.

The Laws of the Land provide for the Safety of every Man's Person, his Liberty, and his Estate. By the Great Charter it is provided, that no Freeman shall be taken or imprisoned; but by the lawful Judgment of his Equals, or by the Law of the Land. And many subsequent Statutes expresly direct, that no Man shall be taken or imprisoned by Suggestion or Petition to the King, or his Council, unless it be by legal Indictment, or the Process of the Common Law. By the Petition of Rights it is Enacted, That no Freeman shall be imprisoned or detained without Cause shewn, to which he may answer according to Law: And, by the Habeas Corpus Act of the 31st Chs. 2d, the Method of obtaining that Writ is pointed out and enforced: All which Statutes, for the Security of the Liberty of the Subject, and expresly made of Force here, particularly the Habeas Corpus Act, which, by an Act of Assembly of this Province, passed in 1712, is more particularly accommodated to our Local Circumstances, and some Difficulties removed which might otherwise have obstructed the Execution of that wholesome Law. It is in Virtue of this Provincial Law, that we were impowered to issue the Habeas Corpus which we did in this Case, and are impowered to take Cognizance of the present Matter.

It appears then, that no Freeman shall be taken or imprisoned, but by the Judgment of his Peers, or by the Law of the Land. No Judgment of his Peers has been given in the present Case, against Mr. Powell, for Judgment by his Peers means a legal Course of Tryal by Jury. It remains then to be enquired into, whether the Law of the Land warrants his Commitment, and consequent Imprisonment? and, whether the Cause shewn, is sufficient to authorize his Detention? or whether, if his Commitment is legal, he is bailable or not bailable.

Either House of Parliament have, from Time immemorial, exercised a Power of Commitment and Imprisonment: And it seems to be a settled Point, confirmed by late Adjudications, that the Courts of Law, or Judges, will not interfere or intermeddle in any Case, [illegible] by either House, during the Sitting of Parliament; that the Houses are the only competent Judges of their own Privileges; and that their Determinations are not to be reviewed or examined by inferior Jurisdictions.

The Law of Parliament therefore, being a Part of the Law of the Land, Commitments in Consequence thereof, by either House, are not prohibited by Magna Charta. And the Judges do now, invariably, so far as has fallen within my Knowledge, remand the Prisoner back to the Place of his Confinement, without affording him any Relief, either by Bail or otherwise.

The Law of the Land not giving the Council the least Colour of Right to commit for Breach of Privilege, or what they call Contempt of their House, they must found their Claim upon the Usage and Practice of the House of Lords in England. It will be necessary therefore, to enquire what Affinity or Resemblance there is between them, to entitle the Council to a derivative Right to the high Privilege exercised by the Lords.

The Lords are a permanent Body, inheriting the Right of Legislation independent of the Crown. They are the hereditary Counsellors to the King, and Guardians to the State. The Power of Judicature resides in them, in the Dernier Resort. They try their own Members on Life and Death, without being under the Obligation of an Oath. And all these, and many other high Privileges, they inherit from the best of Titles, Prescription, and Usage for Time immemorial. Indeed they are of the very Essence of the Constitution.

Compare the Constitution of the Council with that of the Lords, and where shall we find Cause to infer, that they possess, or ought to possess, the Powers of the latter?

The Council are appointed during the Pleasure of the Crown, removeable at Pleasure—and may be suspended by the Governor. They hold their Office, and all the Appendages to it, at Will, and therefore want that most essential Requisite of Independency, to constitute them a Branch of the Legislature, or in any Respect to assimilate them to the Lords. Unhappy for the People, it is so, much to be wished it were not so; and that while they claim the Power of the Lords House over the Person of the Subject, the Subject had the same Degree of Security for the due Exercise of that Power, which he has in the House of Lords. The People have nothing to fear from the Lords: They are their Guardians, and a Bulwark of Defence against Oppression and Tyranny: They are numerous, as well as independent: No private Pique or personal Resentment can influence there.—HERE, the most important Concerns of the Province are often, very often, determined at a Meeting of Three of the Members of the Council; very seldom that they exceed Four; and the Object of their Care is more particularly *the Prerogative*.

It is true, the Council do in this, as well as some other Provinces, concur in the passing of Provincial Laws. This is in Consequence of Instructions from the Crown, restraining the Governor from giving his Assent to any Law that has not that Sanction: And from this single Circumstance it is, I apprehend, that the Council have created themselves an Upper-House, and have assumed that Appellation in their Intercourse with the Commons House; altho' they are invariably stiled, by the King's Instructions, and in their Appointment, *the Council*. From this important Circumstance also, it is, that they would derive to themselves other Powers incident, and indeed indispensably necessary to the House, of Lords, but dangerous and unnecessary to be exercised by the Council; as if a Right to advise the Governor to pass or reject a Bill, involved in it, of Consequence, all other Privileges belonging to the Upper House of Parliament.

The Freedom and Liberty of an English Subject, are of so high Estimation in the Eye of the Law, that, to deprive him of them, it is incumbent on those that would do it, to shew their Right clearly and incontestibly. Loose and vague Reasoning, fallacious Conclusions, specious Inferences, or bold Assertions, will not do: The Judgment of his Peers, or the clear Voice of the Law of the Land, must justify, and nothing else can justify, the Commitment or Imprisonment of any free Subject whatever.

Upon the most mature Consideration, as far as my slender Abilities will enable me to judge, I am of Opinion, That there is no Foundation in Law to warrant the Commitment now under Consideration: That it would be dangerous to countenance such a Usurpation of Power in the Council, would render the Liberty of the Subject precarious, and introduce Novelty and Innovation, destructive of sound Law, and every Principle of Justice.

The Commitment therefore, in my Opinion, is to be considered merely as a Commitment of the Privy Council; and in that Case, has no other Authority than if done by a private Magistrate. The Subject has his Remedy by Habeas Corpus in either Case; and we are to consider, whether the Matter charged is an Offence at Law—and if an Offence, whether bailable or not?

And I am of Opinion, that it is no Offence at Law—that the Paper referred to in the Commitment, being a Protest from two Members of the Council, against the Proceedings of that Board, in a certain Matter depending before the Council, and required by one of the Members to be printed by the Prisoner, might lawfully, legally, and warrantably be printed by the Prisoner, acting only in the Way of his Profession; the more especially as it was unaccompanied with any Remarks, Observations, or Additions, of his own, but simply and literally as it was received by the Prisoner from one of the Members of the Council. And it is not clear to me, that even the House of Lords would include such a Paper, under the general Idea of Proceedings of their House, for which they would punish a Printer who published it. I am therefore for ordering the Prisoner to be released.

And then Colonel POWELL read to the House, a Copy of his Judgment also on the same Subject, *viz.*

I Could never find from my most diligent Enquiries, that His Majesty's Hon. Council here, were invested with the Authorities, Rights, and Privileges of the Right Hon. the House of Lords.

They are appointed a Privy Council, with whom the Governor is, by the King's Instructions, directed to consult and advise, in *the passing of Laws* and other Acts of Government.

The People therefore, for the more uniformly carrying on the Business of the Province; wishing also to have a Medium between the Crown and them, and willing to assimilate a Mode of Legislation, as near as may be to the Mode of the Mother Country, have consented and allowed that Honourable Board of Privy Council, to act as an *Upper-House*, in the passing of Laws, Ordinances, and such like Acts of Legislation.

And the King hath, from Time to Time, seemed to countenance this Disposition—in my Opinion a very happy one, when conducted under *proper Regulations*.

The Council therefore might, with Propriety, I think, exercise such Authorities as may be *proper* and *necessary, for the carrying on the Purposes* before mentioned.

But I would not be understood to intend to affront the Understanding of those Gentlemen so far, as to presume that they think themselves entitled to the Privileges of a House of Lords—for there is a Difference, an exceeding wide Difference! between them. Not to mention more than is necessary for our present Purpose, I shall only observe, that the Lords hold their Seats by hereditary Right; these Gentlemen are mere temporary Servants of the Crown, subject to Suspension or Dismission at its Pleasure.

How far therefore they, the Council, as an Upper House (under *the Description already given*) have a Right, in Point of [illegible] in such wise as to prevent his Relief under [illegible] particularly the Habeas Corpus Act, is [illegible] fore us.

By the 31st Charles II. Ch. 2, commonl[illegible] called the Corpus Act, and which Sir William Blac[illegible] files, "That second *Magna Charta*, and sta[illegible] Liberties," made of Force in this Province by [illegible] 12th Day of Dec. 1712, intituled an Act to [illegible] Hon. the Governor of this Province, the Lo[illegible] Chief-Justice, or the Justices of the Peace, and [illegible] Ministers within this Province, to execute and [illegible] the same, an Act made in the Kingdom of E[illegible] are empowered and required to determine this Question.

And as it is a Business of the utmost Importance [illegible] sidered it with all the Deference and Attention [illegible] so essential to the Rights of the People: And [illegible] Opinion, that we cannot *legally* refuse the Priso[illegible] mas Powell, the Benefit of the Habeas Corpus [illegible] Enlargement under it.

After which the House came to the following RESOLU[illegible] TIONS, *viz.*

Resolved, Nemine Contradicente, That the said [illegible] is unprecedented, unconstitutional, and oppressive, [illegible] gerous Violation of the Liberty of the Subject.

Resolved, Nem. Con. That the Thanks of this Ho[illegible] to Mr. SPEAKER and Colonel POWELL, for their ab[illegible] and impartial Decision, upon the Return of the [illegible] Corpus. And the Reasons given by Mr. SPEAKER a[illegible] POWELL, for discharging the said Thomas Powell, [illegible] extremely satisfactory to this House, Mr. SPEAKER an[illegible] POWELL be desired to cause their Judgment, given by [illegible] that Occasion, to be printed and made public.

Resolved, Nem. Con. That the Message brought f[illegible] his Majesty's Council to this House this Day, and their R[illegible] accompanying the same, contain a partial Judgment, [illegible] decent Reflection on the Conduct of Mr. SPEAKER an[illegible] POWELL, and are a gross and unparallelled Insult to this [illegible]

Ordered, That the Committee of Correspondence do forth[illegible] write to the Agent in Great-Britain, stating the Conduct of his Majesty's Council, and ordering him to make the most humble Representation thereof to our Gracious Sovereign, and to implore their Removal, or such other Marks of His Majesty's Royal Displeasure towards them, as may in future prevent so dangerous an Encroachment on the Liberties of the People.

Resolved, That an humble Address be presented to the LIEUTENANT-GOVERNOR, to request that His Honour will be pleased to suspend such Members of His Majesty's Council as ordered the Commitment of the said Thomas Powell, and to appoint others in their Stead, until His Majesty's Pleasure shall be known upon the Application of this House for their Removal.

Ordered, That Mr. Rutledge, Captain Gadsden, Mr. Parsons, Mr. Catteil, and Mr. Bee, be a Committee to prepare an Address accordingly.

SATURDAY, the 11th of SEPTEMBER, 1773.

Mr. Rutledge reported from the Committee appointed to prepare an Address to present to the Lieutenant-Governor, to request that His Honour will be pleased to suspend such Members of His Majesty's Council, as ordered the Commitment of Thomas Powell to Goal, and to appoint others in their Stead, That the Committee had prepared an Address accordingly, which they had directed him to report to the House. And he read the Address in his Place, and afterwards delivered it in at the Table, where the same was read.

Resolved, That the said Address be taken into Consideration immediately.

And the said Address being read to the House a second Time, was agreed to, and is as followeth, *viz.*

To the Honourable WILLIAM BULL, *Esq; Lieutenant-Governor and Commander in Chief, in and over His Majesty's Province of* SOUTH-CAROLINA.

The Humble ADDRESS of the COMMONS HOUSE of ASSEMBLY of the said Province.

May it please your Honour,

WE, His Majesty's dutiful and loyal Subjects, the Commons House of Assembly of this Province, beg Leave to acquaint your Honour, that, His Majesty's Council having lately taken upon them, to commit, during their Pleasure, one Thomas Powell, to the Common Goal, for a Contempt of the Upper House of Assembly, as they were pleased to stile themselves, in printing, without Leave, a Protest of two of their Members against their Proceedings; and, this House being unanimously of Opinion that such Commitment is unconstitutional and oppressive, and a dangerous Violation of the Liberty of the Subject; they have therefore directed the Agent for this Province to make the most humble Representation, to His Majesty, of the Conduct of his Council, and to implore their Removal, or such Marks of his Royal Displeasure to them, as may prevent, for the future, such an Encroachment on the Liberties of his People. But, as a considerable Time must elapse, before our Complaint can be heard, we do most earnestly request, that your Honour will be pleased to suspend such Members of the Council as ordered the said Commitment, until His Majesty's Royal Pleasure shall be known, upon our Application for their Removal; and to appoint in their Stead, Men who really have at Heart the Service of his Majesty, and the Interest of the Province. *By Order of the House*,

RAWLINS LOWNDES, *Speaker*.

In the Commons House of Assembly, the 11th Day of Sept. 1773.

Ordered, That Dr. Haig and Mr. Dupont, do wait on the LIEUTENANT-GOVERNOR, and acquaint him that this House have an Address to present to His Honour, and desire to know when he will please to receive the House for that Purpose.

And the said Gentlemen being returned, Dr. Haig reported to the House, that Mr. Dupont and himself had waited upon the LIEUTENANT-GOVERNOR, with the Message they had in Charge, and that His Honour was pleased to say, that he would receive the House with the Address at Ten of the Clock on Monday Morning.

MONDAY, the 13th Day of SEPTEMBER, 1773.

A Message from the LIEUTENANT-GOVERNOR by the Master in Chancery, viz.

Mr. SPEAKER, I am commanded by the LIEUTENANT-GOVERNOR, to acquaint you, that he is now in the Council-Chamber, ready to receive this House with their Address.

And accordingly Mr. SPEAKER, with the House, went to attend His Honour the LIEUTENANT-GOVERNOR, in the Council-Chamber.

And being returned,

Mr. SPEAKER reported to the House, that this House had attended the LIEUTENANT-GOVERNOR in the Council-Chamber, where he had delivered the Address, to which His Honour was pleased to give the following Answer, viz.

Mr. Speaker and Gentlemen,

THIS Address contains Matters of very great Importance—a Charge of Oppression and Violation of the Liberty of the Subject, against Gentlemen, whom His Majesty has been pleased to employ in very high Stations of Confidence and Trust in this Province. As I conceive it would be great Presumption in me, to prejudge a Matter that is intended, by you, to be immediately submitted to His Majesty's Consideration, and to anticipate that

the rather, as I am confident the King's ill be fignified with all the Diſpatch that

WILLIAM BULL.

n, by Order of the Council, taken from Crouch's Paper, printed this Day, is o give our Readers at one View, the elative to T. POWELL's *Commitment,*

ROLINA.

HOUSE of ASSEMBLY,

, the 13th Day of SEPTEMBER, 1773.

D,

llowing PROCEEDINGS of this ed in the GAZETTES publiſhed by Mr. JAMES SIMPSON, *Clerk.*

ER HOUSE of ASSEMBLY,

DAY, the 4th Day of SEPTEMBER, 1773.

EY, the Sheriff for Charles-Town Diſtrict, at- according to Order, was called in, and was aſked ent, by Order of the Houſe, what was the State of T. Powell, who had been committed to his Contempt to this Houſe? To which he made An- e had received a Writ of Habeas Corpus, iſſued by able Rawlins Lowndes, Eſq; and George-Gabriel q; two of His Majeſty's Juſtices of the Peace, *Quorum* the Diſtrict; by which he was commanded to bring homas Powell before them, together with the Day of his Caption and Detention; that in Obedience had carried the ſaid Thomas Powell before them, hey had thereupon thought fit to diſcharge the ſaid Powell out of his Cuſtody.

he thereupon aſked, if he had the Habeas Corpus and t in his Poſſeſſion?

Which he thereupon produced, and the ſame was read.

The Preſident thereupon deſired him to make out a Copy of the Habeas Corpus, and his Return thereupon, and the Order of the Juſtices for his Diſcharge, and to certify the ſame to be a true Copy, and to deliver the ſame to the Clerk of this Houſe.

A Motion was made and ſeconded, That a Committee be appointed to take under their Conſideration the Nature of the Diſcharge of T. Powell, Printer; and that they do on Monday next report to this Houſe, ſuch Reſolutions as may be neceſſary for this Houſe to enter into; and that they do alſo prepare an humble Addreſs on the Subject to his Majeſty, and another to his Honour the Lieutenant-Governor; and that Mr. Chief-Juſtice, Mr. Drayton, and Mr. Elliott, be a Committee for ſuch Purpoſes.

MONDAY, the 6th Day of SEPTEMBER, 1773.

Mr. Drayton, from the Committee appointed to take into Conſideration the Diſcharge of T. Powell, Printer.

Reported, That the Committee has taken the ſaid Subject into their moſt ſerious Conſideration, and have found it to be of ſuch high Importance, that they are not ready to report fully of thoſe Particulars committed to their Charge, but that they are ready to report ſuch Reſolutions as in their Opinion may be proper for the Houſe to enter into on this moſt ſerious Subject, and that the Committee beg to be allowed further Time to mature the other Particulars.

The Committee was then ordered to report their ſaid Reſolutions.

Mr. Drayton then read the Reſolutions, which he then delivered in at the Clerk's Table, and being again read, were agreed to by the Houſe, and are as follows:

Reſolved, That the Power of Commitment is ſo neceſſarily incident to each Houſe of Aſſembly, that, without it, neither their Authority or Dignity can in any Degree whatſoever be maintained or ſupported.

Reſolved, That RAWLINS LOWNDES, Eſq; Speaker of the Commons Houſe of Aſſembly, and GEORGE-GABRIEL POWELL, Eſq; a Member of the ſaid Houſe, being Two Juſtices of the Peace (Unus Quorum) lately Aſſiſtant-Judges, and Juſtices of His Majeſty's Court of Common Pleas, have, by Virtue of an Habeas Corpus by them iſſued, cauſed the Body of Thomas Powell to be brought before them, on Friday the 3d Day of this Inſtant, September; the ſaid Juſtices diſregarding the Commitment of this Houſe, did preſumptuouſly diſcharge the ſaid Thomas Powell out of the Cuſtody of the Sheriff, under the Commitment of this Houſe.

Reſolved, That the ſaid Juſtices have been guilty of the moſt atrocious Contempt of this Houſe, and by their public Avowal and Declaration made by them, in pronouncing Judgment, that this Houſe is no *Upper Houſe* of Aſſembly, on which Principle ALONE they did diſcharge the ſaid T. Powell, they have, as far as in them lay, abſolutely and actually aboliſhed one of the Branches of the Legiſlature, and in ſo doing, have ſubverted the Conſtitution of this Government, and have expreſſly founded the moſt dangerous Alarm to the good Subjects of this Province.

Reſolved, That a Copy of theſe Reſolutions be ſent to the Commons Houſe of Aſſembly, together with a Meſſage, complaining of ſuch Conduct, and Breach of our Privileges, by their Members; and ſetting forth, that as this Houſe has always been careful to ſupport its own juſt Rights and Privileges, ſo it has always been cautious not to infringe the Rights and Privileges of the Commons Houſe; and that this Houſe, relying on the Juſtice of the Commons Houſe, does expect they will direct RAWLINS LOWNDES, and GEORGE-GABRIEL POWELL, Eſquires, two of their Members, to wave their Privilege, in order that this Houſe may proceed to take Cognizance of their ſaid Breach of Privilege and Contempt.

Ordered, That ſuch a Meſſage be prepared by the Committee, appointed to take into Conſideration, the Nature of the Diſcharge of T. Powell.

TUESDAY, the 7th Day of SEPTEMBER, 1773.

Mr. Drayton, from the Committee appointed to take into Conſideration the Nature of the Diſcharge of T. Powell, and to prepare a Meſſage to be ſent to the Commons Houſe of Aſſembly,

Reported, That they had prepared the following Meſſage:

Mr. Speaker and Gentlemen,

IT is with real Concern that this Houſe ſends to complain to you of the Conduct of the Hon. RAWLINS LOWNDES, Eſquire, Speaker of the Commons Houſe of Aſſembly, and GEORGE-GABRIEL POWELL, Eſq; a Member of the ſaid Houſe; they being guilty of a Breach of Privilege and Contempt againſt the *Upper Houſe* of the Legiſlature of this Province, inaſmuch, as your ſaid Members did, on Friday the 3d Day of this Inſtant, September, as Juſtices of the Peace, diſcharge from Confinement T. Powell, committed by us to Goal, on the 31ſt Day of Auguſt, for a Breach of Privilege and Contempt againſt this Houſe. We herewith ſend you a Copy of the Reſolutions which we entered into on the Subject of this Complaint, and relying on the Juſtice of the Commons Houſe of Aſſembly, we truſt, that you will direct your ſaid Members to wave their Privilege, in order that we may proceed to take Cognizance of their Breach of Privilege and Contempt againſt us.

By Order of the Houſe,

EGERTON LEIGH, *Preſident.*

delivered the Meſſage he had in Charge, to the Commons Houſe of Aſſembly.

THURSDAY, the 9th Day of SEPTEMBER, 1773.

Mr. Drayton, from the Committee appointed to draw up an Addreſs to his Majeſty, on the Diſcharge of T. Powell.

Reported, That he had prepared ſuch an Addreſs, and deſired to know when the Houſe would receive the ſame.

Reſolved, That the ſaid Addreſs by received immediately.

Mr. Drayton then read the Addreſs in his Place, and delivered it in at the Clerk's Table.

The Houſe proceeded to take the ſaid Addreſs into Conſideration; and an Amendment thereunto being propoſed, was agreed to, and it was reſolved, That the ſame ſhould be further conſidered on Saturday.

Mr. Drayton from the Committee appointed to draw up an Addreſs to his Honour the Lieutenant-Governor.

Reported, That they had prepared ſuch an Addreſs.

Reſolved, That the ſaid Addreſs be received immediately.

The Houſe proceeded to take the ſame into Conſideration; and an Amendment being made, it was reſolved that the ſame ſhould be further conſidered on Saturday.

A Motion was then made, That a Committee ſhould be appointed to inſpect the Journals of the Commons Houſe of Aſſembly, and to report what ſhall appear to have been done in that Houſe upon the Meſſage ſent from this Houſe on Tueſday laſt, complaining of the Conduct of the Hon. Rawlins Lowndes, Eſq; and George-Gabriel Powell, Eſq; in diſcharging Thomas Powell, which being agreed to, Mr. Skottowe, and Mr. Drayton were appointed a Committee for that Purpoſe.

SATURDAY, the 11th Day of SEPTEMBER, 1773.

Mr. Drayton, from the Committee appointed to examine the Journals of the Commons Houſe of Aſſembly reſpecting the Proceedings in Conſequence of the Meſſage from this Houſe to the Commons Houſe, relating to the Diſcharge of T. Powell, by their Members, reported, that the Commons Houſe of Aſſembly having taken the ſaid Meſſage into Conſideration, did

Reſolve, That the Commitment of T. Powell by this Houſe was unprecedented, unconſtitutional, and oppreſſive, and a dangerous Violation of the Liberty of the Subject; that the Thanks of that Houſe ſhould be given to their Speaker and Col. Powell for their able, upright, and impartial Deciſion upon the Return of the ſaid Habeas Corpus; and the Reaſons given by them for diſcharging the ſaid T. Powell, being extremely ſatisfactory to that Houſe, they did deſire Mr. Speaker, and Col. Powell to cauſe their Judgment given on that Occaſion, to be printed and made public; and that the Meſſage ſent from this Houſe to them that Day, and the Reſolutions accompanying the ſame, did contain a partial Judgment, and an indecent Reflection on the Conduct of their Speaker and Colonel Powell, and were a groſs, and unparallelled Inſult to that Houſe.

Ordered, That the Committee of Correſpondence do forthwith write to the Agent in Great-Britain, ſtating the Conduct of his Majeſty's Council, and ordering him to make the moſt humble Repreſentation thereof to our moſt Gracious Sovereign, and to implore their Removal, and ſuch other Marks of his Majeſty's Royal Diſpleaſure towards them, as may in future prevent ſo dangerous an Encroachment on the Liberties of the People.

Reſolved, That an humble Addreſs be preſented to the Lieutenant-Governor, to requeſt his Honour will be pleaſed to ſuſpend ſuch Members of his Majeſty's Council as ordered the Commitment of T. Powell, and to appoint others in their Stead, until his Majeſty's Pleaſure ſhall be known upon the Application of this Houſe for their Removal.

The humble Addreſs to his Honour the Lieutenant Governor, being again taken into Conſideration according to Order, and being agreed to, was ordered to be engroſſed and ſigned, and is as follows:

SOUTH-CAROLINA.

To the Honourable WILLIAM BULL, *Eſquire, Lieutenant-Governor and Commander in Chief, in and over his Majeſty's ſaid Province.*

The Humble ADDRESS of the UPPER HOUSE of ASSEMBLY.

May it pleaſe your Honour,

WE His Majeſty's moſt dutiful and loyal Subjects, the Upper Houſe of Aſſembly, beg Leave to addreſs your Honour upon a Subject of the utmoſt Importance, and that ſtrikes at our Exiſtence as an Upper Houſe of Aſſembly.

This Houſe having committed to the Common Goal, one Thomas Powell, a Printer, for a Breach of Privilege, and Contempt againſt us; the ſaid Printer, was on the Third Day of this Inſtant September, diſcharged from Confinement, by the Honourable Rawlins Lowndes, Speaker of the Commons Houſe of Aſſembly, and George-Gabriel Powell, Eſq; a Member of the ſaid Houſe, by Virtue of a Power given by a Provincial Act paſſed 12th December, 1712, to two Juſtices (one being of the Quorum) to put in Execution the Habeas Corpus Act, to ſuch Intents and Purpoſes, as the ſaid Act can be put in Execution in the Kingdom of England, upon this ſole and avowed Principle, that we are not an Upper Houſe of Legiſlature.

We have in Vain applied to the Commons Houſe, complaining of their Members. We beſeech therefore your Honour to tranſmit the dutiful and loyal Addreſs of this Houſe to His Majeſty, together with the Papers relative to the above Subject, to the Right Honourable the Earl of Dartmouth, his Majeſty's Principal Secretary of State for America, and that your Honour will deſire his Lordſhip to preſent our ſaid Addreſs to His Majeſty, and the ſeveral Papers herewith ſent, reſpecting the ſame.

By Order of the Houſe,

EGERTON LEIGH, *Preſident.*

In the UPPER HOUSE *of* ASSEMBLY, *the 11th Day of* September, 1773.

Ordered, That the Clerk do wait upon the Lieutenant Governor, to know when his Honour will be pleaſed to receive this Houſe, with their Addreſs.

The Clerk being returned, informed the Houſe, that his Honour would receive their Addreſs on Monday.

MONDAY, the 13th Day of SEPTEMBER, 1773.

His Honour the Preſident reported, That the Addreſs of this Houſe had been preſented to his Honour the Lieutenant-Governor, who had been pleaſed to return the following Anſwer thereto:

Honourable Gentlemen,

I Shall by the firſt Opportunity, tranſmit to the Right Honourable the Earl of Dartmouth, His Majeſty's Principal Secretary of State for America, your Addreſs to the King, now delivered to me, with the Papers reſpecting the ſame, and requeſt his Lordſhip to lay them before his Majeſty in proper Time.

September 13, 1773. WILLIAM BULL.

A QUARTERLY MEETING of the SOUTH-CAROLINA SOCIETY, will be held on *Tueſday* the 5th Day of *October* next, at the Houſe of Mrs. CATHARINE POINSETT, in *Charles-Town*; where the Members are deſired to attend on that Day, preciſely at ELEVEN o'Clock in the Forenoon.

By Order of the Society,

SAMUEL PRIOLEAU, CLERK.

N. B. There is a Vacancy for Schooling a CHILD by the ſaid Society.

THE Aſſembly of this Province adjourned, with the Conſent of His Honour the Lieutenant Governor, to Tueſday the 14th Day of January next. Before the Adjournment, they unanimouſly came to a Reſolution, which ſtands entered on the Journals in theſe Words, viz.

"*Reſolved*, That PETER TIMOTHY and THOMAS "POWELL, Printers, in Charles-Town, be Printers to this "Houſe; to print ſuch Proceedings thereof as the Houſe ſhall "direct: And that no other Printer do preſume to print the "ſame."

John Izard, and Benjamin Smith, Eſqrs. are, by unanimous Votes, elected Repreſentatives of the Pariſh of St. James, Gooſe-Creek, in the Room of Thomas Smith, Eſq; who declined ſerving, and John Ward, Eſq; who ſerves for another Pariſh. And,

We hear that Jacob Motte, and William Sanders, Eſqrs. are elected for St. Helena, in the Room of the Honourable William Wragg, and Edward Rutledge, Eſqrs. who had alſo declined ſerving.

We are not yet informed, who have been elected in St. John's, Berkley County, and St. Thomas and St. Dennis, in the Room of Job Marion, and John Wigfall, Eſqrs. who both declined.

Laſt Monday died, in the 86th Year of her Age, Mrs. Katharine Joor, who was born in Holland, and came to this Province in the Year 1714. She retained all her Faculties 'till a little while before her Deceaſe, and as ſhe lived reſpected, ſo ſhe died lamented, notwithſtanding her great Age.

This Day died, Mr. James Wilſon, Wine Merchant, formerly in Co-partnerſhip with Mr. John Coram.

On Thurſday laſt arrived here, His Majeſty's Packet-Boat Sandwich, commanded by Captain Richard Nottingham, with the July Mail, from England. The Honourable Peter Manigault, late Speaker of the Commons Houſe of Aſſembly of this Province, who went Paſſenger in the ſaid Packet-Boat, we have the Pleaſure to learn, was landed in a much better State of Health than he enjoyed when he left this.

Yeſterday arrived here the Brigt. Helena, James Ramage, Maſter, with upwards of One Hundred and Twenty Paſſengers, from Londonderry. Several other Veſſels were to follow; and the Spirit of Emigration from Ireland to America, inſtead of being checked, ſeemed to have encreaſed: But the poor People had not been acquainted, that they could not obtain Lands here as formerly.

The Ship Kingſton, of and from this Port, John Sime, Maſter, bound for Jamaica, which ſailed from hence the 2d ult. and her whole Cargo, are entirely loſt, on Heneaga, one of the Bahama's. The People, however, were ſaved.

*** PLAIN TRUTH's *Letter is not now inſerted, becauſe the Subject Matter of it, is on* Friday *next, to come under the Conſideration of thoſe, who* OUGHT *to be faithful Guardians of the People's Property and Liberty, who may probably decide upon it to the Satisfaction of the Public.*—NEW ADVERTISEMENTS *now left out, ſhall be inſerted next* Monday.

Timothy's Marine Liſt.

Auguſt	Arrivals at Charles-Town,	*From*
6th.	Sloop Triſtran, Robert Muir,	North-Carolina
8th.	Brigt. Union, Edward North,	Grenada
	Scooner Induſtry, George Noddings,	North-Carolina
	Sloop Unity, Joſeph Pitt,	Dominica
9th.	*Snow Sandwich (Packet) Capt. R. Nottingham,*	Falmouth
	Brigt. Briton, William Clift,	Africa
	Scooner Friendſhip, John Addiſon,	North-Carolina
	Sloop Charles-Town, William Whitten,	New-York
	Sloop Rachael, William Undrill,	Virginia
	Sloop Caſcarilla, Jeremiah Smith,	Providence
11th.	Sloop Lavendar, Joſeph Briggs,	Bermuda
12th.	Ship Peter & Ann, Thomas Blundell,	Teneriff
	Brigt. Helena, James Ramage,	Londonderry
	Sloop Active, Charles Morgan,	Jamaica
13th.	Brigt. Peggy, William Mitchell,	Philadelphia
	Scooner Peggy, Thomas Jones,	Georgia
Auguſt	Sailed,	*For*
9th.	Sloop Charles-Town, Daniel Monro,	Rhode-Iſland
	Scooner Dolphin, Thomas Bowditch,	Salem
12th.	Sloop Suſannah, Joſiah Chadwick,	North-Carolina
13th.	Scooner Rebecca, Joſeph Veſey,	St. Kitts

New Adventiſements.

A FEW PIPES OF Good London Madera WINE,

To be SOLD *under Coſt and Charges.*

Enquire at the Printing-Office on the Bay, near the Exchange.

For *BARBADOS*, OR, ANY OF The *Windward* ISLANDS, The Brigt. *Lovely-Jenny*,

LAURENCE HARVEY, Maſter.

For Freight or Paſſage, apply to ſaid Maſter, or ISAAC PEACE.

Who has to HIRE out, Some good HOUSE-NEGROES.

For *Norfolk*, in *Virginia*, AND PHILADELPHIA, THE SLOOP *RACHAEL*, WILLIAM UNDRILL, *Maſter*:

WILL ſail the 16th Inſtant.—For Freight or Paſſage, apply to ſaid Maſter on Board, at *Beale's* Wharf, or WILLIAM GIBBONS.

To be SOLD, A NEGRO BOY,

ABOUT Fifteen Years of Age:—He has been uſed to wait in a Houſe; is ſold for no Fault, but the Owner being about to leave the Province, and has no further Occaſion for him.—For further Particulars, enquire of JOHN CROSS.

LONDON, June 29.

IT appears by the export entries at the Cuſtom-houſe at Dublin, that the linen trade alone has decreaſed 5,000,000 yards, of the invoice value of 350,000 l. in the year 1772, and, by the beſt eſtimate that could be formed of the exports from March 1772, to March 1773, they were ſuppoſed to have further decreaſed one third, which would bring them under 900,000 l. ſo that the exports of linen and yarn, taken together, will fall ſhort of 2,100,000 l. little more than one half of their amount in 1771.

The Court of Tuſcany has threatened the Pope with baniſhing all the Jeſuits from its dominions, on account of his Holineſs having refuſed that Court the ſuppreſſion of two convents near Sienna. This will probably haſten the publication of the fate of the Jeſuits.

Extract of a Letter from Liſbon, June 14.

"By a veſſel juſt arrived from the coaſt of Guiney, we have received advices of moſt of the diſturbances amongſt the Negroes, &c. in the Portugueſe ſettlements on the African coaſt, being quelled, particularly at Armenia, Magador, and Amabo, they are now entirely ſettled through the bravery and conduct of the Portugueſe Commandant at Benin, who with 1700 Europeans (moſt of them irregulars) and about 8000 friendly Negroes, gave battle to an army of between 30 and 40,000 Negroes, under the command of the King of Whidah, ſince which peace has been effectually re-eſtabliſhed."

JULY 2.

Advices from Turin mention, that the good underſtanding ſubſiſting between the Sardinian and French Courts during the late King's Reign, very viſibly declines. The Baron Freteille, Envoy at Paris, who was recalled on the death of his late Maſter, has been diſmiſſed from that ſervice, and no ſucceſſor is yet even talked of.

Wedneſday evening, a Perſon decently dreſſed, going over Finchley Common on foot, was ſtopped by a highwayman, but on aſſuring him he had but 3 s. to bear his expences to Coventry, the highwayman gave him 5 s.

The following is ſaid to be the general tenor of the bill for preventing the diminiſhing the gold coin of this kingdom, which on Thurſday received the Royal aſſent. "That all monies paid into the receipt of his Majeſty's Exchequer, after the 29th of September, that ſhall be found deficient in weight, ſhall be cut and paſs for no more than its intrinſic value; that in all payments between man and man, it ſhall be at the option of the perſon to whom it is tendered in payment, if found deficient in weight, to either refuſe or break it, and receive it on the ſame terms to the Treaſury. But that nothing, however, ſhall extend in this act to prevent a reaſonable allowance for the wear of ſuch money, according to the date of its coinage, ſo tendered or paid away."

WARSAW, *(Poland) June* 12. We have received accounts from Moldavia, that the young Prince Peter Repnin, Colonel of a regiment of foot, and brother to the late Ruſſian Ambaſſador here of that name, received orders to paſs the Danube with two thouſand men, in order to attack a ſtrong Turkiſh Poſt, and, if poſſible, to drive the enemy out of it; but he found the Turks much more numerous than they were repreſented. They ſurrounded him immediately, and when he found he could not maſter them, he endeavoured to regain his ſhips, which he did with amazing valour, but unfortunately the ſhip he was in was ſtranded, and the Turks in conſequence attacked him; he took all the officers with him, and fought with the greateſt bravery, till he had received three wounds, and fell down with the loſs of ſo much blood, and thus was made a priſoner by the Turks. He was immediately carried to the Grand Vizir's army. This affair coſt the Ruſſians 300 men. It is ſaid ſome of the officers will have to anſwer for their conduct to Count Romanzow.

LONDON, JULY 5.

We hear that ſeveral ſtout veſſels are building in the Spaniſh private ports on account of ſome capital merchants who are going to proſecute the trade of the Eaſt-Indies with great vigour under the ſanction of the Court.

A letter from Peterſburgh ſays, "Though the repeated declarations which have paſſed between our Court and thoſe of Stockholm and Copenhagen have given us the ſtrongeſt aſſurances of peace and friendſhip; yet, in imitation of theſe two powers, our Court has reſolved to ſend a fleet of obſervation to the Baltick. This fleet is to conſiſt of 15 ſhips of the line and frigates, and will be commanded by Admiral Baſballe.

HAMBURGH, *(Germany) June* 24. From the frontiers of Turky we hear, that the inhabitants of Bulgaria are deſtroying their houſes and corn fields, and flying towards Conſtantinople with their effects, leſt they ſhould fall into the hands of the Ruſſians.

LONDON, JULY 7.

They write from Dantzick, that they have not yet found the happy effects of the mediation which Count de Gallowkin was charged by the Empreſs of Ruſſia to tranſact between the magiſtrates of that place, and the commiſſary belonging to his Pruſſian Majeſty. The latter has ſtipulated the following conditions, upon which the King his maſter will conſent to come to an agreement with that magiſtracy: "The King permits the town to enjoy and make uſe of the port under his Sovereignty, which he reſerves to himſelf, paying a certain acknowledgment, exempting the Pruſſian ſhips, or thoſe freighted on Pruſſian account, from the duties of anchorage, paſſage, &c." His Majeſty will not come to any agreement reſpecting the commerce up the Viſtula.

The Duke of Glouceſter has, it is ſaid, been not only adviſed, but entreated by his phyſicians to reviſit the continent, in order to repair, if poſſible, the preſent declining ſtate of his health: but that his Highneſs is reſolved to continue in England at whatever hazard, until the great and important point is ſettled reſpecting the claims of his poſterity to the Royal honours.

Laſt week died at Cardigan, aged 92, Philip ap Merrice, Eſq; who by his will has ordered thirty calves heads to be given annually to the poor of Cardigan, on St. Matthew's day, being his birth-day.

PETERSBURGH, *(Ruſſia) June* 11. The letters which arrived yeſterday from Moſcow, brought the melancholy account of a fire having happened in that city, by which upwards of one thouſand houſes were burnt. It broke out on both ſides of the river, and was not extinguiſhed at the departure of the poſt. There have likewiſe been fires at Koſtram and Chabacktar, which have done great damage; but it is hoped that the linen manufactories at Koſtram have been ſaved.

LONDON, JULY 10.

A correſpondent hopes before the next general election, the qualification to vote for a Member of Parliament, will, inſtead of Forty Shillings, be for the future equal to the qualification for killing game, which is 100 l. per annum; for ſurely it is of more conſequence to the public, what perſons ſhall have the choice of legiſlators, than who ſhall be privileged to carry a gun; and the Miniſtry having felt the pulſe of the people in the late India Bill, which has raiſed the qualification of votes to 1000 l. ſtock, need not fear but the propoſed qualificationing act will readily paſs both Houſes, and be ſucceeded with as little clamour as the India.

Extract of a Letter from a Gentleman at Dantzick, June 17.

"The principal people here are treated by our neighbour with the utmoſt cruelty and contempt, their eſtates overloaded [illegible] ter into military ſervice, and that in a moſt arbitrary manner.

"A very particular friend of mine, a gentleman of the firſt rank in the country, a ſenator, a man of real worth, and of one of the firſt families in the kingdom, a man who by advice of a certain Northern power, ſacrificed a fortune of near 40,000 l. for the election of the King of Poland, his near relation, who was poſſeſſed of 25,000 l. per annum, is now reduced, I may ſay, to a worſe ſituation than beggary. The firſt mentioned power has taken all his eſtates from him, they being royal domains, and diſputes with him the legal poſſeſſion of his perſonal eſtate, neither will he permit him to go out of his dominions; ſo that, though he has ſome ſmall eſtates beyond Warſaw, he muſt ſpend the remainder of them here in a moſt diſreſpectful manner."

CONSTANTINOPLE, *(Turky) May* 27. Several foreign veſſels arrived here from the Archipelago bring advice, that twelve Ruſſian ſhips of the line have quitted thoſe ſeas, and it is aſſured have bent their courſe for Baruth, on the coaſt of Syria. Some frigates, which, form the reſt of that fleet, remain in the environs of the Iſle of Paros, and keep cruiſing on thoſe coaſts, to prevent foreign merchant ſhips from bringing proviſions and ſtores to this capital. On the other ſide we learn, that ſix French frigates are in the Archipelago, in order to ſerve during the war between Ruſſia and the Porte, by way of convoy to ſuch veſſels of their nation as are deſtined for Conſtantinople, Smyrna, &c.——*A fine pretence, under cover of which the French will probably take an opportunity to aſſiſt the Porte.*

New Advertiſements.

BRIAN CAPE,

HAS IMPORTED

In the LIVE-OAK, *Captain* LUNDBERRY, *from* BRISTOL,

His white and coloured Negro Cloth,

AND

DUFFIL BLANKETS:

Which, having taken great Pains to purchaſe on the *beſt Footing*, he hopes his Friends will be pleaſed both with the PRICE and QUALITY.

In the above Ship he has alſo imported,

A large Supply of HARD-WARE;

CONSISTING OF

NAILS of all Sorts, and moſt other Materials for Building; Pad, Stock, and Cheſt Locks of all Prices; Lathing Hammers, Tap Borers, Gimblets; Two-Feet Rules, Folding Ditto, with Tables; neat Ivory Ditto; Tea-Cheſt Locks, Plate Bolts, Cloak Pins, Box-Irons, Thumb-Latches; Bridle-Bits, Stirrup-Irons, Saddle Boſſes; Braſs Dog Collars; Plaiſtering and Bricklayers Trowels; Chopping-Knives, Pepper-Mills, Bell Cranks, Trunk Locks; Awl-Blades, Shoe Tacks, Shoe Knippers and Pincers; Bell Bolts; Awl Hafts; Pocket Steelyards; Mice and Rat-Traps; Screw Pullies; Traveling Haſps; Balcony Bolts; Braſs and Steel Shoe Buckles; Spring Spurs; Curling Tongs; Knitting Pins; Marking Irons; Key Swivels; plain and leathered Caſtors; Cow Bells; Pinking-Irons; Bone, Stag, and Chineſe Ivory-Handled Knives and Forks, ſome of which with Silver Caps; neat Pen Knives, warranted; Butchers and Oyſter Knives; Lancets, Horſe Locks, Shoe Raſps, Horſe Shears; Braſs Chair Nails; Kirby and common Fiſh-Hooks; Fiſhing Lines; packing Needles; Hooks and Eyes; Oil Stones; Phyſic Scales and Weights; Braſs Scales and Weights for Stores, of all Sizes; Rat Gins; Kitchen Dogs, with Racks; Pot-Hooks; Rice Sickles and Indico Hooks; Smoothing, Long, Joiner, Rabbit, Bead, and Quarter-round Planes; Rag, Scythe, and Rub Stones; Drinking Horns; ſtanding Juppets; Ivory and Box Combs; Tobacco Boxes; Tea-Table Bells; Key-Rings; neat japanned Coffee-Pots and Tea-Kitchens; neat flat japanned Candleſticks, with Snuffers and Extinguiſhers to match; Whip, Croſs-cut, and Hand Saws; Spits, and Frying Pans; Garden and Graſs Scythes; Iron Tea-Kettles.

Neat Silver-mounted Cutteaux, with Swivels and red Morocco Belts, from £. 10 to £. 30; common Ditto, from 30 *ſ.* to 10 *l.* double and ſingle Cartouch Boxes; Houſe Bells, ſpringed; Braſs Bell-Wire; Sheet Lead; Shot of all Sizes; Pewter Plates and Diſhes; Cloſe-ſtool Pans; Pewter Cullenders; fluted and plain Candle-Moulds; Glue; Cyder in Hampers; a few Hampers of very good Red Port Wine, warranted genuine; Vinegar in Jugs; White Lead; Spaniſh Brown and Red Lead, ground in Oil; Allum; Linſeed Oil in Jugs; fine Chamber Lamp Oil in Jugs; Pruſſian Blue, and Vermillion.

GLASS WARE.

Conſiſting of Quart Decanters, neatly cut and flowered, from 10 *l.* 10 *ſ.* to 30 *ſ.* the Pair; Bird Fountains; neat cut Jelly and Syllabub Glaſſes; *India* Shades; neat cut and plain Glaſs Candleſticks; Sets of Glaſs Salvers or Pyramids; Tumblers; cut and plain Salts; Paſſage Lamps, mounted with Braſs; large Decanters for Punch.

SADDLERY.

Mens and Boys neat Saddles, complete; Saddle-Cloths, and checked Swanſkins for Ditto; Mail Pillions; Portmantuas, with Straps; Surcingles and Girths; Snaffle, and Weymouth Bridles; Leather Jockey-Caps; neat Twig, Half, and Whole Hunting-Whips, with Silver Caps; Ladies Ditto; ſtrong ſtocked Silver-capped Whips, loaded, with long Laſhes; Boot Garters.

SHOES.

Mens, Womens, Boys and Girls Leather Shoes of all Sorts; Shoes fit for Plantation Negroes; Ladies neat Callamanco and Ruſſel Shoes and Pumps, from 30 *ſ.* to 47 *ſ.* 6 *d.* a Pair.

Which, added to his late Importation,

Make his preſent Aſſortment the LARGEST he ever yet had;—And he begs Leave to aſſure his Friends, and the Public, that he will ſell his Goods at the *very loweſt* Advance; and will take all imaginable Care and Pains, to ſupply thoſe who chuſe to deal with him, on as GOOD TERMS as can be afforded by any Store in Town.

N. B. He has ſome fine *Flint Corn* to diſpoſe of.

*** *Thoſe who take a Quantity to* SELL AGAIN, *ſhall have a conſiderable Abatement, ſo as to enable them to ſupply their Cuſtomers on good Terms.*

ALL thoſe indebted to the Eſtate of *Henry Fulker*, deceaſed, by Bond, Note, or Book-Debt, are requeſted to make immediate Payment;—Alſo, thoſe indebted to the Eſtate of *Conrad Kyſell*, deceaſed, are deſired to ſettle the ſame immediately, or Suits will be commenced againſt them, by ESTHER KYSELL, *Executrix.*

For SALE

A HOUSE and LOT, in *George Anſonborough*, Forty-one Feet wide, and Two and Forty-two Feet deep, with every neceſſary Office for a genteel Family, and a Well of exceeding good Water. Any Perſon inclinable to purchaſe, may apply, in *Union-Street, Continued, to* JOHN MATTHEWS.

Where the SHOE-MAKING BUSINESS is carried on as uſual, and DRAWING BOOT-LEGS, of the beſt Sort, always ready.

N. B. He deſires thoſe whoſe Accounts have been long ſtanding, to diſcharge them immediately.

To be SOLD by private Contract,

A Plantation in St. *Paul*'s Pariſh,

Containing Five Hundred and Sixty Acres, Two Hundred of which is good Rice Land, the Reſt is good Indico or Corn Land.

Alſo, A Tract at *Winyaw*, on *Sandy-Iſland*, containing Five Hundred and Twenty-eight Acres of Land, Four Hundred of which is good River-Swamp, and upwards of Ninety Acres under Banks and Drains. If the Purchaſer chuſes, he may alſo have the Negroes thereon.

Likewiſe, Another Tract on *Pedee* River, containtaining about Eight Hundred Acres, Three Hundred of which are good River-Swamp, and Sixty Acres in prime Order, with proper Banks and Drains.

The Purchaſers of the above Lands may have one, two, or three Years Credit, paying Intereſt, and giving ſuch Security as ſhall be approved of, by

RICHARD WARING.

N. B. The Reaſon of the above Lands being offered for Sale, is entirely on Account of the Proprietor's bad State of Health.

The SUBSCRIBER,

Being duly authorized by Mr. JOHN BROWN (*who is going reſide in the Country*) *to manage his Affairs in Town,*

Will SELL by public Sale

At the Vendue-Houſe in CHARLES-TOWN,

On TUESDAY *the* 28*th of* September *next,*

At TWELVE *o'Clock,*

Thoſe four new Tenements,

Lately built in *Allen-Street*, joining Lots now the Property of Mr. GEORGE BLAKIE, and the Eſtate of CALEB EASTON; each Tenement renting at £. 100 per Annum, Three of which are now tenanted for One Year certain, and the other ready to be lett; the ſame being very commodious, two Stories high, each Tenement Twelve Feet in Front on *Allen-Street*, and in Depth Thirty-eight Feet eight Inches, more or leſs, having Kitchens and other Conveniences.

The ſame will be ſold altogether or ſeparate, as will be moſt agreeable, one third CASH will be required upon the Delivery of the Titles; and for the Remainder, a *Twelve* Months Credit, paying Intereſt, and giving Security.

JACOB VALK.

N. B. In the mean While, any Perſon inclinable to purchaſe at private Sale, may apply as above.

For SALE by private Contract,

A Valuable PLANTATION in St. *Bartholomew*'s Pariſh, containing Five Hundred Acres; the greateſt Part of which is exceeding good Rice Land; is pleaſantly ſituated in a good Neighbourhood, not above Five Miles from a Landing:—On the Premiſes is a good Dwelling-Houſe, new Barn, Store-Houſe, with all other Conveniences neceſſary for a well-ſettled Plantation.

Part of the Purchaſe-Money will be required at the Delivery of the Titles, and for the Remainder, Two, Three, to Four Years Credit will be given, paying Intereſt, and giving Security if required. For further Particulars, enquire of

JACOB VALK.

To be SOLD at private Sale,

AN exceeding fine valuable Tract of Two Hundred Acres of Swamp, upon SANTEE River, fronting on the ſaid River:—It joins Lands laid out to JAMES LYNAH, about a Mile above THOMAS PLATT's Plantation; is a little below Mr. JOINER's, on the other Side of the River, and about One Hundred Miles from *Charles-Town*.

The Plats may be ſeen, and Terms of Sale made known (which will be made agreeable to the Purchaſer) by applying to JACOB VALK.

RUN-AWAY from the Subſcriber,

A Negro Fellow, named *Charles*,

A well-made, ſtout, artful, ſenſible Fellow, with a large Riſing under his right Ear; ſpeaks Engliſh remarkably well, but may eaſily be diſtinguiſhed from one born in this Province by his Speech.——Whoever delivers him to me, ſhall receive a Reward of FIVE POUNDS.

Alſo, A Negro Wench, named *Banaba*,

Of a yellowiſh Complexion, looks much like an *Ebo* Negroe, ſtutters in her Speech, has an Iron on one of her Legs. A Reward of FIVE POUNDS will be given on delivering her to me. But as I have a ſtrong Suſpicion of her being harboured by ſome evil diſpoſed white Perſons (being a remarkable fine Seamſtreſs, and eaſily kept at her Work, without Diſcovery, and being fit for no other Work) I will give FIFTY POUNDS on Conviction of any whit Perſon harbouring her.

JOHN CHAMPNEYS.

RUN AWAY about a Month ago,

From Mr. MAZYCK's *Plantation, on* Santee,

Two young NEGRO FELLOWS,

Named SAUL and JACK: The Firſt is a Carpenter by Trade, about Five Feet and an Half high, and is very ſmart and ſenſible;—*Jack* was not bred to any Trade, is about Five Feet five Inches high, and very ſenſible and knowing. They are both ſtout well-made Fellows, and had heavy Irons on their Legs when they went away—They made their Eſcape in a large Canow belonging to Mr. JONAH COLLINS, and are ſuppoſed to be gone Inland for *Georgia*; they alſo took with them a Quantity of Carpenter's Tools.—Whoever will deliver them to the Warden of the Work-Houſe in *Charles-Town*, or to Mr. JOHN RANTOWLE, in *Elliott-Street*, ſhall receive TEN POUNDS Currency Reward for each, and all reaſonable Charges paid.

N. B. They were formerly Free, and are well known in *Georgia* by the Names of *Saul* and *John Winners*.—They were born in *Bermuda*, and may probably attempt to get a Paſſage thither. *Auguſt* 20*th*, 1773.